

विकास योजना - औरंगाबाद

महाराष्ट्र प्रादेशिक नियोजन व नगररचना अधिनियम, १९६६ चे कलम ३७ (२) अन्वये मंजूरी... (औद्योगिक विभागातील औद्योगिक वापर बदल / स्थलांतरित झाल्यास तेथे रहिवास / वाणिज्य वापर अनुज्ञेय करणेबाबतची तरतूद...)

महाराष्ट्र शासन

नगर विकास विभाग

शासन निर्णय क्र. टिपीएस-३००६/१२८६/प्र.क्र.४७/२००६/नवि-३०.

मंत्रालय, मुंबई - ४०० ०३२.

दिनांक : १६ जून, २००७.

शासन निर्णय : सोबतची अधिसूचना महाराष्ट्र शासन राजपत्रात प्रसिद्ध करावी.

महाराष्ट्राचे राज्यपाल यांचे आदेशानुसार व नांवाने,



(शिवाजी पाटणकर)

अवर सचिव

प्रति,

विभागीय आयुक्त, औरंगाबाद विभाग, औरंगाबाद.

जिल्हाधिकारी, औरंगाबाद.

संचालक नगररचना, महाराष्ट्र राज्य, पुणे.

आयुक्त, औरंगाबाद महानगरपालिका, औरंगाबाद.

उप संचालक नगररचना, औरंगाबाद विभाग, औरंगाबाद.

सहायक संचालक नगररचना, औरंगाबाद शाखा, औरंगाबाद.

व्यवस्थापक, शासकीय मुद्रणालय, औरंगाबाद.

त्यांना विनंती करण्यात येते की, सोबतची अधिसूचना महाराष्ट्र शासन राजपत्राच्या औरंगाबाद विभागीय पुरवणीमध्ये प्रसिद्ध करून त्यांच्या ५ प्रती या विभागास व संचालक नगररचना, महाराष्ट्र राज्य, पुणे यांना पाठवाव्यात.

निवड नस्ती, नवि-३०.

- Sanction under section 37(2) of ..
- Modification to Development Control Regulation for Aurangabad Municipal Corporation.

GOVERNMENT OF MAHARASHTRA
Urban Development Department,
Mantralaya, Mumbai 400 032.
Dated: 16th May, 2007.

NOTIFICATION

The Maharashtra Regional and Town Planning Act, 1966.

No. TPS-3006/1286/CR-47/2006/UD-30 :- Whereas the Development Control Regulations for Aurangabad Municipal Corporation (hereinafter referred to as "the said Regulations") have been sanctioned by the Government vide Urban Development Department Notification No. TPS-3088/454/CR-59/UD-12 dated 14th October, 1991, under section 31(1) of the Maharashtra Regional and Town Planning Act, 1966 (Maharashtra Act No. XXXVII of 1966) (hereinafter referred to as "the said Act");

And whereas as there are existing Industries in Municipal Corporation area which are not running at present and various requests from applicant to allow to develop the land for the Residential purpose are being received. There are no provision in the said Regulations in this regards.

And whereas, Government has carefully examined the provisions of other Municipal Corporation and found it expedient in the public interest to include the provisions regarding the conversion of Industrial zone into Residential / Commercial Zone as specified in Schedule - A in the said Regulations. (hereinafter referred to as "the said Modification Proposal") The Schedule - A is appended to this Notification. Government also found it expedient to take recourse to the provisions contained in the section 37 (1 AA) of the said Act ;

And whereas, the Government in Urban Development Department vide Notice No. TPS-3006/1286/CR-47/2006/UD-30, dated 30th June of 2006 has published the notice under section 37(1AA) of the said Act to that effect for inviting suggestions/objections from the general public within a period of one month from the date of publication of the Notice in the Official Gazette. The suggestions/Objections for the said Modification Proposal were to be forwarded to the Deputy Director of Town Planning, Aurangabad Division Aurangabad, being the officer appointed under sub section (1) of section 162 of the said Act ;

And whereas, after giving hearings to the persons who have filed suggestions and objections to the said modification proposal, the appointed officer i.e the Deputy Director of Town Planning, Aurangabad Division, Aurangabad, has submitted his report to the Government vide his letter dated 19th December of 2006 ;

SCHEDULE - A

(As proposed by the Government vide Urban Development
Department's Notice No. TPS-3006/1286/CR-47/2006/UD-30,
dated - 30th June, 2006.)

New Regulation No. 14.3.1 shall be added in Regulation No. 14.3

New Regulation No. 14.3.1 : Conversion of industrial zone into residential zone.

- a) With the previous approval of Commissioner and on such conditions as deemed appropriate by him, the existing or newly built-up area of unit, in the industrial zone may be permitted to be utilised for an office or commercial purposes.
- b) With the previous approval of the Commissioner, any open land or lands or industrial lands in the Industrial zone. May be permitted to be utilised for any of the permissible users in the Residential zone (R-1 zone) or the Residential zone with shop line (R-2 Zone) or for those in the Commercial zone (C1 & C2 zone) subject to the following:-
 - c) The conversion of Industrial Zone to Residential/ Commercial Zone in respect of closed industries shall not be permitted unless NOC from Labour Commissioner, Maharashtra State, Mumbai stating that all legal dues have been paid to the workers or satisfactory arrangement between management and workers have been made, is obtained. Provided that where conversion has been permitted on the basis of this certificate, occupation certificate will not be given unless a no dues certificate is granted by Labour Commissioner.
 - d) The layout or sub division of such land admeasuring about 2.00 Ha. shall be approved by the Commissioner, who will ensure that 5% land for public utilities and amenities like electric sub-station, bus-station, sub-post office, police out post and such other amenities, as may be considered necessary, will be provided therein.
 - e) (i) In such layouts or sub-divisions having area more than 2 ha. But less than 5 ha., 20% land for public utilities and amenities like electric sub-station, bus station, sub post office, police out post, garden, playground, school, dispensary and such other amenities shall be provided.
 - f) In such layout of sub-division each more than 5 Ha. in area, 25% of land for public utilities and amenities like electric sub sub station, Bus station, sub post office, police outpost, garden, playground, school, dispoensary and such other amenities shall be provided. These areas will be in addition to the recreational space as required to be provided under these regulations.
 - g) The required segregating distance as prescribed under these regulations shall be provided within such land intended to be used for residential or commercial purpose.
 - h) Such residential or local commercial development shall be allowed within the permissible FSI of the nearby residential or commercial zone.

- i) Provision for public utilities and amenities shall be considered to be reservation in the Development Plan and transferable development rights as Appendix - T, Regulation No.28 or FSI of the same shall be available for utilisation on the remaining land.

Note :

- I) Conversion from Industrial zone to residential / commercial zone shall be applicable to the entire land holding and layout shall be approved for the entire land holding and not in part. Mixed user shall not allowed.
- II) The existing reservation of Development Plan, if any, (within the percentage mentioned above, for public amenities and utilities) will be extinguished and they will be covered in new regulation.
- III) Out of the total area proposed to be utilised for residential development, 20% of the same shall be built for residential tenements having built up area upto 50 sq. mtrs.

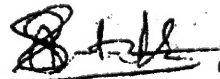
Modification No. 2

In the Regulation No. 13.4.4 following words shall be added -
"However, the area for FSI computation shall be 90% of the net area (after deducting amenities area) in the case of change of Industrial user to Residential user as specifies in Regulation No. 14.3.1

Modification No. 3

Following proviso shall be added as a new Sr. No. T-13 (a) of Appendix - T Regulation No. 28.

"However, in case of Development permission under Regulation No. 14.3.1, such FSI on the receiving plots under prescribed regulation shall be allowed on 100% of the gross plot area without deducting the required public amenity space.



(Shivaji Patankar)

Under Secretary to Government

SCHEDULE - A-1

(As sanctioned by the Government vide Urban Development Department's
Notification No. TPS-3006/1286/CR-47/2006/UD-30,
dated - 16th June, 2007.)

New Regulation No. 14.3.1 is added in Regulation No. 14.3

New Regulation No. 14.3.1 : Conversion of industrial zone into residential zone.

- a)** With the previous approval of Commissioner and on such conditions as deemed appropriate by him, the existing or newly built-up area of unit, in the industrial zone may be permitted to be utilised for an office or commercial purposes.
- b)** With the previous approval of the Commissioner, any open land or lands or industrial lands in the Industrial zone. May be permitted to be utilised for any of the permissible users in the Residential zone (R-1 zone) or the Residential zone with shop line (R-2 Zone) or for those in the Commercial zone (C1 & C2 zone) subject to the following:-
- c)** The conversion of Industrial Zone to Residential/ Commercial Zone in respect of closed industries shall not be permitted unless NOC from Labour Commissioner, Maharashtra State, Mumbai stating that all legal dues have been paid to the workers or satisfactory arrangement between management and workers have been made, is obtained. Provided that where conversion has been permitted on the basis of this certificate, occupation certificate will not be given unless a no dues certificate is granted by Labour Commissioner.
- d)** The layout or sub division of such land admeasuring about 2.00 Ha. shall be approved by the Commissioner, who will ensure that 5% land for public utilities and amenities like electric sub-station, bus-station, sub-post office, police out post and such other amenities, as may be considered necessary, will be provided therein.
- e)** (i) In such layouts or sub-divisions having area more than 2 ha. But less than 5 ha., 20% land for public utilities and amenities like electric sub-station, bus station, sub post office, police out post, garden, playground, school, dispensary and such other amenities shall be provided.
- f)** In such layout of sub-division each more than 5 Ha. in area, 25% of land for public utilities and amenities like electric sub sub station, Bus station, sub post office, police outpost, garden, playground, school, dispoensary and such other amenities shall be provided. These areas will be in addition to the recreational space as required to be provided under these regulations.
- g)** The required segregating distance as prescribed undet these regulations shall be provided within such land intended to be used for residential or commercial purpose.
- h)** Such residential or local commercial development shall be allowed within the permissible FSI of the nearby residential or commercial zone.
- i)** Provision for public utilities and amenities shall be considered to be reservation in the Development Plan and transferable development rights as Appendix - T, Regulation No.28 or FSI of the same shall be available for utilisation on the remaining land.

- j) The 50% of the land which is to be kept for public utilities and amenities as per above e) and f) should be kept for unbuildable purpose like recreational ground, play ground etc.
- k) The provision of accommodation reservation will not be applicable to the reservations on the land to be kept as per above e) and f).

Note :

i) Conversion from Industrial zone to residential / commercial zone may be allowed partly, excluding the area of running industry subject to the condition that the percentage of the area for public amenities shall be based on entire land holding including the area of the running industry. The segregating distance shall be provided within the land intended to be used for residential zone / commercial zone and the area of running industry.

ii) a) If the area of existing reservation/s of Development Plan on the area under such modification is less than the area required for public amenities and utilities as per above e) & f) then the area calculated by deducting the area of existing reservations from the area required for public amenities and utilities should be kept for public amenities and utilities.

Note - The FSI of the land under reservation/s will be available on the remaining land or TDR will be available as per the TDR zone.

b) If the area of existing reservation/s of Development Plan on the area under such modification is more than or equal to the area required for public amenities and utilities as per above e) & f) then it is not necessary to kept area required for public amenities and utilities.

Note - Instead of allowing the FSI of the land under reservation/s on the remaining land, the TDR shall be will be allowed as per the provisions of TDR.

iii) Out of the total area proposed to be utilised for residential development, 20% of the same shall be built for residential tenements having built up area upto 50 sq. mtrs.

Modification No. 2

In the Regulation No. 13.4.4 following words shall be added -

"However, the area for FSI computation shall be 90% of the net area (after deducting amenities area) in the case of change of Industrial user to Residential user as specifies in Regulation No. 14.3.1

Modification No. 3

Following proviso shall be added as a new Sr. No. T-13 (a) of Appendix - T Regulation No. 28.

"However, F.S.I. of the receiving plot in the area of permission under Regulation No. 14.3.1 may be allowed to be extended upto 100% of the F.S.I. of the said plot by way of development right in respect of the land surrendered for public amenities and utilities to the planning authority in persuance of the development permission as per the Regulation No. 14.3.1 subject to the provision of (i) of Schedule - A of Regulation No. 14.3.1"



(Shivaji Patankar)
Under Secretary to Government